

THE HOUSE OF REPRESENTATIVES

Monday, March 29, 2010

Committee Substitute for

ENGROSSED

Senate Bill No. 1910

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1910 - By: FORD of the Senate and JACKSON of the House.

An Act relating to elections; amending 26 O.S. 2001, Sections 2-111, 2-118, as last amended by Section 1, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006, 3-104, 4-110.1, 4-114, 4-115.1, 4-116, 4-120.1, 4-120.2, 4-120.3, as last amended by Section 3, Chapter 307, O.S.L. 2004, 6-102.1, 6-106, 6-111, 7-107, 7-120, 7-127, 7-130, as amended by Section 7, Chapter 307, O.S.L. 2004, 7-132, 7-132.2 and 14-107 (26 O.S. Supp. 2009, Sections 2-118, 4-120.3 and 7-130), which relate to county and precinct election boards, election administration, voter registration, ballots, conduct of elections and absentee voting; providing alternate procedure for nominations for county election boards; allowing for supplemental compensation of county election board secretaries; updating statutory references; deleting and modifying references to Oklahoma Election Management System; modifying procedures for removal of voter name from registration database; specifying requirements for removal notice; modifying voters required to be sent address confirmation; modifying procedures for cancellation of voter registration of deceased voter; granting certain authority to funeral director; modifying definition; modifying manner of printing ballot cards for General Election; modifying reference to device for obtaining ballot totals and printouts; allowing voter to insert ballot card into secrecy folder; modifying rules governing ballot counting; recodifying language relating to notary fees for certifying absentee ballots; modifying procedures for certification of voting results; requiring certain notice to accompany absentee ballot; amending 49 O.S. 2001, Section 5, as last amended by Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2009, Section 5), which relates to notaries public; prohibiting charging of fee for notarization of official absentee ballot affidavit; repealing 26 O.S. 2001, Sections 7-125, 7-132.1 and 7-133.1, which relate to counting of ballots; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 26 O.S. 2001, Section 2-111, is amended to read
2 as follows:

3 Section 2-111. The State Election Board shall appoint two members of each county
4 election board, and two alternates, to serve terms of four (4) years each. No later than
5 April 15, 1975, and every four (4) years thereafter, the county central committees of the
6 two political parties with the largest number of registered voters in the state, based upon
7 the latest January 15 registration report, shall each submit to the State Election Board a
8 nominee for membership on the county election board and a nominee to serve as the
9 alternate. The nominations must be submitted in writing and signed by at least two
10 members of each county central committee. If the county central committee for a party
11 in a county fails to submit a nominee or if there is no county central committee for a
12 party in a county, the state central committee for the party may submit to the State
13 Election Board a nominee for membership on the county election board and a nominee to
14 serve as the alternate. The State Election Board shall be confined to the nominees in
15 making appointments, one from each party, to the county election board and one from
16 each party to serve as the alternate. The appointments shall be made no later than May
17 1, 1975, and every four (4) years thereafter. If a county or state central committee fails
18 to submit nominees by April 15, the State Election Board shall appoint a member and
19 alternate to the county election board from the ranks of such party within the county.
20 Alternates shall serve on the county election board at any meeting that the member for
21 whom the person is an alternate is unable to attend. In the event of a vacancy, the State
22 Election Board shall, within sixty (60) days after such vacancy occurs, appoint a member

1 of the same party to fill the unexpired term, based on a nomination submitted by the
2 party's county central committee in the manner hereinbefore provided within thirty (30)
3 days after the vacancy occurs. Should a county or state central committee fail to submit
4 a nominee within the prescribed period of time, the State Election Board shall appoint a
5 member of the county election board from the ranks of ~~said~~ the party within the county.
6 Vacancies shall occur when a member fails to attend five consecutive meetings of the
7 board or when a member changes the member's party affiliation. It shall be the duty of
8 the other two members of the board to notify the Secretary of the State Election Board
9 should ~~such~~ a vacancy occur. ~~Said~~ A vacancy shall be filled in the manner hereinbefore
10 provided.

11 SECTION 2. AMENDATORY 26 O.S. 2001, Section 2-118, as last amended by
12 Section 1, Chapter 83, 2nd Extraordinary Session, O.S.L. 2006 (26 O.S. Supp. 2009,
13 Section 2-118), is amended to read as follows:

14 Section 2-118. A. ~~The~~ Except as provided by subsection C of this section the
15 secretary of each county election board shall be paid an annual salary to be determined
16 by the following schedule. However, the salary of a county election board secretary shall
17 not fall below the level of the April 30, 2003, salary, and the salary of any person who is
18 reappointed to the position of county election board secretary shall not fall below the
19 salary received in the immediately preceding term, regardless of the number of active
20 registered voters in the county. A county election board secretary serving on April 30,
21 2004, shall not receive a salary increase if said secretary is paid an amount greater than
22 the salary indicated in this section according to the number of registered voters in said

1 county. A county election board secretary shall not receive a salary increase while the
2 county is under the administrative supervision of the State Election Board.

3 1. Beginning May 1, 2003 and ending April 30, 2007, the annual salary, payable
4 monthly shall be:

5	Registered Voters	Salary
6	0 to 10,000	\$21,588.28
7	10,001 to 15,000	\$22,388.28
8	15,001 to 17,500	\$26,252.45
9	17,501 to 25,000	\$29,429.93
10	25,001 to 50,000	\$35,846.94
11	50,001 to 75,000	\$45,174.66
12	75,001 to 150,000	\$50,611.26
13	150,001 or more	\$56,043.00

14 2. Beginning May 1, 2007, the annual salary, payable monthly shall be:

15	Registered Voters	Salary
16	0 to 10,000	\$22,667.69
17	10,001 to 15,000	\$23,507.68
18	15,001 to 17,500	\$27,565.07
19	17,501 to 25,000	\$30,901.43
20	25,001 to 50,000	\$37,639.29
21	50,001 to 75,000	\$47,433.39
22	75,001 to 150,000	\$53,141.82

1 county funds. The cost of other supplies necessary for the conduct of state elections shall
2 be paid from state funds. The purchase and maintenance of computer hardware,
3 software, voting devices and related supplies used in the Oklahoma Election
4 Management System shall be paid from state funds. The cost of confirmation mailings
5 required in Section ~~24~~ 4-120.2 of this ~~act~~ title shall be paid from state funds.

6 SECTION 4. AMENDATORY 26 O.S. 2001, Section 4-110.1, is amended to
7 read as follows:

8 Section 4-110.1 A. Voter registration applications may be submitted at any time.
9 However, completed applications received by the State Election Board, any county
10 election board, any agency designated to accept voter registration applications or any
11 motor license agent as part of a driver's license or identification card application twenty-
12 four (24) days prior to an election; any mail application postmarked twenty-four (24) days
13 or less prior to an election or any mail application received without a postmark nineteen
14 (19) days or less prior to an election shall not be approved for that election if the
15 applicant's residence is located within the geographical boundaries of the entity for which
16 the election is being conducted.

17 B. No more than seven (7) days after any election, each county election board
18 secretary for the county of the applicant's residence shall mail a notice of disposition as
19 required in Section ~~8~~ 4-103.1 of this ~~act~~ title to all persons whose voter registration
20 applications were received twenty-four (24) days or less prior to the election.

21 C. Registration for voting purposes occurs when a completed voter registration
22 application is approved by the county election board secretary for the county ~~or~~ of the

1 applicant's residence and on the date that the information is entered into the ~~Oklahoma~~
2 ~~Election Management System~~ voter registration database for the county of the
3 applicant's residence.

4 D. Registration for candidate filing or party affiliation purposes occurs at the
5 earliest time the completed voter registration application is received at the State Election
6 Board, any county election board, any agency designated to accept voter registration
7 applications or any Motor License Agent as part of a driver's license or identification card
8 application provided that the application subsequently is approved by the secretary of
9 the county election board for the county of the applicant's residence; or, in the case of
10 mail applications, registration for candidate filing or party affiliation purposes shall
11 occur at the time when the completed voter registration application is postmarked
12 provided that the application subsequently is approved by the secretary of the county
13 election board for the county of the applicant's residence; or in the case of a mail
14 application received without a postmark, registration for candidate filing or party
15 affiliation purposes shall occur at the earliest time when the completed application is
16 received by the State Election Board or any county election board provided that the
17 application is subsequently approved by the secretary of the county election board for the
18 county of the applicant's residence.

19 SECTION 5. AMENDATORY 26 O.S. 2001, Section 4-114, is amended to read
20 as follows:

1 Section 4-114. The secretary of each county election board shall cause the
2 registration information of every registered voter in ~~said~~ the county to be entered into
3 the ~~Oklahoma Election Management System~~ voter registration database.

4 SECTION 6. AMENDATORY 26 O.S. 2001, Section 4-115.1, is amended to
5 read as follows:

6 Section 4-115.1 The secretary of each county election board is authorized to correct
7 clerical or administrative errors in the ~~Oklahoma Election Management System~~ voter
8 registration database and to conform voter registration information to recognized
9 standards, as determined by the Secretary of the State Election Board, for promotion of
10 uniformity and consistency in address designations. No corrections shall be made to the
11 original registration form signed by the voter except as provided by law or rule of the
12 State Election Board.

13 SECTION 7. AMENDATORY 26 O.S. 2001, Section 4-116, is amended to read
14 as follows:

15 Section 4-116. If a registered voter of a county changes his or her residence to
16 another precinct within the same county, he or she shall be entitled to transfer his or her
17 registration in a manner prescribed by the Secretary of the State Election Board. The
18 secretary of the county election board shall change the registration information of such
19 registered voter in the ~~Oklahoma Election Management System~~ voter registration
20 database and shall issue a new voter identification card to the voter. Information given
21 by the voter shall be under oath.

1 SECTION 8. AMENDATORY 26 O.S. 2001, Section 4-120.1, is amended to
2 read as follows:

3 Section 4-120.1 A registered voter may have his or her name removed from the
4 ~~registries of a county~~ voter registration database by executing a ~~personally signed and~~
5 ~~notarized~~ written notice for same to the Secretary of the State Election Board or any
6 county election board. Such written notice shall be personally signed by the voter and
7 either shall be notarized or shall be witnessed by two persons whose names and
8 addresses shall be included on the notice.

9 SECTION 9. AMENDATORY 26 O.S. 2001, Section 4-120.2, is amended to
10 read as follows:

11 Section 4-120.2 A. No later than June 1 of each odd-numbered year and for the
12 previous twenty-four (24) months, any voter for whom a first-class mailing from the
13 county election board was returned, any voter identified by the Secretary of the State
14 Election Board as a potential duplicate voter in another county in this state or in another
15 state, any voter who has surrendered his or her Oklahoma driver license to the
16 Department of Public Safety upon being issued a driver license in another state, and any
17 active registered voter who did not vote in the second previous general election or any
18 election conducted by a county election board since the second previous general election
19 and who has initiated no voter registration change, shall be sent an address confirmation
20 mailing prescribed by the Secretary of the State Election Board and paid for by the state.
21 Voters who do not respond to the confirmation mailing or whose mailing is returned as

1 nonforwardable shall be designated as inactive sixty (60) days after the mailing. An
2 inactive voter's status shall be changed to active under the following conditions:

- 3 1. With any registration change initiated by the voter; or
- 4 2. By voting in any election conducted by a county election board.

5 An inactive voter who does not vote in any election conducted by a county election
6 board during the period beginning on the date of the confirmation mailing and ending on
7 the day after the date of the second successive general election for federal office shall be
8 removed as a registered voter and all the information on that voter shall be destroyed.
9 Each county election board secretary shall maintain a list of the names and addresses of
10 all persons sent a confirmation mailing as described in this section and information on
11 whether or not each such person has responded to the notice. ~~Said~~ The list shall be
12 maintained for twenty-four (24) months following the date of the second successive
13 federal general election after the date of the confirmation mailing.

14 B. The secretary of each county election board shall cause all inactive voters in a
15 precinct to be identified on the precinct registry.

16 C. No later than June 1 of each odd-numbered year, the Secretary of the State
17 Election Board shall identify duplicate voter registrations in the state and shall direct
18 appropriate county election board secretaries to cancel the voter registration of all but
19 the latest registration of duplicate voter registrations. Each county election board
20 secretary shall maintain for twenty-four (24) months a list of the names and addresses of
21 all canceled duplicate voter registrations. For the purposes of this subsection, duplicate

1 voter registrations are those registrations which contain the following identical
2 information on more than one registration:

- 3 1. First name, middle name or initial, last name, and date of birth;
- 4 2. Driver license or social security number; or
- 5 3. Last name, date of birth, and the last four digits of the social security number.

6 SECTION 10. AMENDATORY 26 O.S. 2001, Section 4-120.3, as last amended
7 by Section 3, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2009, Section 4-120.3), is amended
8 to read as follows:

9 Section 4-120.3 The State Department of Health shall each month transmit to the
10 Secretary of the State Election Board a certified list of all deaths of residents that have
11 occurred within the state for the immediately preceding month. The Secretary of the
12 State Election Board shall transmit such list to the secretary of the county election board
13 who shall then use such list to ascertain those voters who are deceased, and shall
14 thereafter remove such deceased person's name from the central registry and ~~the~~
15 ~~Oklahoma Election Management System~~ voter registration database. Such list shall be
16 used only for the purposes hereinbefore described. In addition, the registration of a
17 deceased voter may be canceled by the secretary of a county election board upon the
18 receipt of a certified copy of a death certificate or upon the execution by the next of kin of
19 such deceased voter of a form and upon the nature of proof of the fact thereof as
20 prescribed by the Secretary of the State Election Board. Such form must be executed in
21 person by the deceased voter's next of kin at the county election board office, in which
22 case it shall be witnessed by the secretary or other designated employees, at the deceased

1 voter's precinct polling place or at the next of kin's precinct polling place in the same
2 county on the day of any election, in which case it shall be witnessed by the inspector of
3 such precinct, or the form may be personally signed by the next of kin, such signature to
4 be notarized by a notary public or witnessed by two persons whose signatures and
5 addresses shall appear on the form, and returned to the county election board. The
6 administrator of a nursing facility, as defined in Section 1-1902 of Title 63 of the
7 Oklahoma Statutes, or the administrator of a veterans center established pursuant to
8 Title 72 of the Oklahoma Statutes also may execute a form prescribed by the Secretary of
9 the State Election Board to notify the secretary of the county election board of the death
10 of a nursing facility resident who is a registered voter. The administrator's signature on
11 such form shall ~~either~~ be witnessed by a member of the nursing home absentee voting
12 board ~~or~~, shall be notarized or shall be witnessed by two persons whose signatures and
13 addresses shall appear on the form. A funeral director, as defined in Section 396.2 of
14 Title 59 of the Oklahoma Statutes, may execute a form prescribed by the Secretary of the
15 State Election Board to notify the secretary of the county election board of the death of a
16 resident of the county. The funeral director's signature on such form either shall be
17 notarized or shall be witnessed by two persons whose signatures and addresses shall
18 appear on the form. Upon receipt of such form or any notice setting forth substantially
19 the same facts and witnessed or notarized as provided in this section, the secretary of the
20 county election board shall be authorized to cancel the voter registration of such deceased
21 person.

1 SECTION 11. AMENDATORY 26 O.S. 2001, Section 6-102.1, is amended to
2 read as follows:

3 Section 6-102.1 As used in this title, the following definitions shall apply to
4 counties using voting devices:

5 1. "Ballot card" means a ~~card~~ printed paper document upon which votes may be
6 marked;

7 2. "Ballot" means a category of offices or measures, one or more of which can appear
8 on a ballot card;

9 3. "Count" means the process by which votes marked on a ballot card are examined
10 manually or electronically by a voting device and a determination is made as to whom or
11 for what the votes are cast;

12 4. "Election results storage medium" means the apparatus which contains
13 electronic instructions for a voting device and in which electronic results are stored;

14 5. "Results" means the manual or electronic tabulation of the votes counted for a
15 candidate or issue;

16 ~~5.~~ 6. "Seal" means a device or devices prescribed by the Secretary of the State
17 Election Board to permit detection of opening or tampering with contents of voting
18 devices, ballot boxes, transfer cases and ~~vote data packs~~ election results storage media;

19 ~~6.~~ 7. "Transfer case" means a container, prescribed by the Secretary of the State
20 Election Board, which can be closed and sealed and is constructed so as to, when sealed,
21 prevent accidental opening or opening by any other reasonable means, except by
22 removing, breaking, tearing or otherwise damaging the seal so if opened by any means it

1 would be obvious in the normal situation that the container had been subject to
2 tampering;

3 ~~7. "Vote data pack" means the apparatus which contains electronic instructions for~~
4 ~~a voting device and in which electronic results are stored; and~~

5 8. "Voting device" means an optical scanning apparatus that electronically counts
6 votes marked on ballot cards and produces printed results.

7 SECTION 12. AMENDATORY 26 O.S. 2001, Section 6-106, is amended to read
8 as follows:

9 Section 6-106. The official ballot card for the General Election shall be printed so
10 that the nominees of the various political parties and nonpartisan candidates will appear
11 in column order as determined according to this section. For each ballot for which there
12 are partisan candidates, the candidates of the recognized parties shall be printed ~~in the~~
13 first ~~position~~ in lot order followed by candidates of unrecognized parties in lot order
14 followed by independent candidates in lot order. Candidates of recognized and
15 unrecognized parties shall be printed in the lot order of their respective party. Each
16 political party shall have the right to select an emblem to be used in designating its
17 candidates on the ballot; provided, however, that no party shall be allowed to use the coat
18 of arms or seal of Oklahoma or of the United States, or the respective flags thereof. Until
19 changed by resolution of a political party, in state convention, the emblem of the
20 Democratic party shall be a rooster and that of the Republican party an eagle. Change in
21 a party emblem shall be authorized by the Secretary of the State Election Board only
22 after receipt of written notice of ~~said~~ the change by ~~said~~ the Secretary from the state

1 central committee of a party. At the top of each ballot on which there are partisan
2 candidates shall appear the name of each recognized party with the emblem of ~~said~~ the
3 party in lot order as prescribed by the Secretary of the State Election Board. Below ~~said~~
4 the name and emblems shall be a line extending across the entire ballot. The name of
5 the office entitled to the first place ~~in the column~~, preceded by the word "for," ", shall
6 appear in bold type, as "For Governor". Immediately after same shall be the names of
7 the nominees for such office printed with the name of the nominee's party followed by
8 candidates who file as Independents for such office printed with the word "Independent".
9 The list shall be continued ~~down each column~~, naming the officers in the order in which
10 they are set out by the Constitution and statutes, until all the nominees are given space.
11 The ~~columns~~ ballots shall be ~~set off~~ set off with well-defined lines or by other means as
12 prescribed by the Secretary of the State Election Board.

13 SECTION 13. AMENDATORY 26 O.S. 2001, Section 6-111, is amended to read
14 as follows:

15 Section 6-111. All ballots for Primary, Runoff Primary and General Elections shall
16 be printed with a stub so perforated that the ballot may be easily detached ~~therefrom~~
17 from the stub. Upon the stub shall be printed the number of the stub and the words,
18 "Primary Election Ballot", "Runoff Primary Election Ballot" or "General Election Ballot",
19 as the case may be; in the event of Primary and Runoff Primary Elections, the name of
20 the political party shall be printed above ~~said~~ the words.

21 SECTION 14. AMENDATORY 26 O.S. 2001, Section 7-107, is amended to read
22 as follows:

1 Section 7-107. When all else is in readiness for the opening of the polls, the
2 inspector shall, in view of the judge, clerk and any registered voters at the polling place,
3 confirm that the ballot box is empty and locked and shall cause the voting device to print
4 out a paper tape to verify that no votes have been counted. This tape shall remain
5 attached to the voting device and in evidence throughout the voting process. The key or
6 other device used for obtaining printed totals shall be retained by the inspector.

7 SECTION 15. AMENDATORY 26 O.S. 2001, Section 7-120, is amended to read
8 as follows:

9 Section 7-120. Before leaving the voting booth, the voter may insert ~~his~~ the ballot
10 card into a secrecy ~~envelope~~ folder in such a manner that ~~his~~ the voter's votes cannot be
11 seen. The voter then shall insert ~~his~~ the ballot card in the voting device. The voter
12 thereupon shall immediately leave the polling place.

13 SECTION 16. AMENDATORY 26 O.S. 2001, Section 7-127, is amended to read
14 as follows:

15 Section 7-127. The following rules shall govern the counting and recounting of
16 votes:

17 1. If the name of any person is written on a ballot, ~~said~~ the name shall not be
18 counted;

19 2. ~~Any~~ A valid vote shall be any mark prescribed by the Secretary of the State
20 Election Board made by voters indicating the voter's choice of party, candidate or issue
21 on a ballot ~~shall be valid~~. Such marking shall be hereinafter referred to as "valid
22 markings". Such valid markings located otherwise on the ballot shall not be counted;

1 3. Marks used to designate the intention of the voter, other than those herein
2 defined as valid markings, shall not be counted;

3 4. Failure to properly mark a ballot as to one or more candidates or questions shall
4 not of itself invalidate the entire ballot if the same has been properly marked as to other
5 candidates or questions;

6 5. A valid marking marked for a political party shall be counted as a vote for each
7 of ~~said~~ the political party's candidates on that ballot, except that a valid marking marked
8 for a candidate's name shall take precedence, for that office, over a valid marking for a
9 political party. Provided, further, that if valid markings are marked for more than one
10 political party on a ballot, ~~said~~ the ballot shall not be counted for any party offices
11 thereon; and

12 6. Any ballot or part of a ballot on which it is impossible to determine the voter's
13 choice of candidate shall be void as to the candidate or candidates thereby affected.

14 SECTION 17. AMENDATORY 26 O.S. 2001, Section 7-130, as amended by
15 Section 7, Chapter 307, O.S.L. 2004 (26 O.S. Supp. 2009, Section 7-130), is amended to
16 read as follows:

17 Section 7-130. Any candidate or any recognized political party shall be entitled to
18 have a watcher present at any place where an official count is being conducted. Such
19 watcher must be commissioned in writing by the candidate, or by the chair of the
20 recognized political party of the county in which the watcher is being authorized. Such
21 commission must be filed with the secretary of the appropriate county election board no
22 later than 5:00 p.m. on Wednesday preceding the election. Watchers must subscribe to

1 an oath to observe all laws and rules prescribed for watchers as hereinafter provided.
2 Such oath must be administered by the inspector of the precinct in which the watcher is
3 authorized. Watchers shall be entitled to observe the voting device both before the polls
4 are opened and after the polls are closed; provided, further, that such watchers shall not
5 be present at the polling place at other times. Watchers may be commissioned to observe
6 voting device testing and to accompany personnel assigned to repair or maintain
7 machines during the period of the election. In such case, the watchers shall be limited to
8 observing the repair or maintenance work being performed and making a written record
9 of such work. Any watcher who violates the law prescribed for watchers shall be deemed
10 guilty of a misdemeanor. ~~Each absentee ballot shall state clearly that it is illegal to~~
11 ~~charge a fee for the use of a notary public for certifying an absentee ballot.~~

12 SECTION 18. AMENDATORY 26 O.S. 2001, Section 7-132, is amended to read
13 as follows:

14 Section 7-132. After the last voter has voted, the inspector shall insert the key or
15 other device in the voting device and obtain ~~a number, prescribed by the Secretary of the~~
16 ~~State Election Board,~~ of printouts of results from the ~~vote data pack~~ election results
17 storage medium. The Secretary of the State Election Board shall prescribe the number of
18 such printouts to be obtained. The inspector, judge and clerk shall each sign all
19 printouts which shall be certificates that the results of the precinct are true and correct.
20 The printed certificate of vote and electronic results of the ~~vote data pack~~ election results
21 storage medium shall be official results of the precinct. The inspector shall cause one
22 copy of each certificate to be posted on the door or entrance of the polling place and shall

1 cause one copy of each certificate to be transmitted forthwith to the Secretary of the
2 State Election Board.

3 SECTION 19. AMENDATORY 26 O.S. 2001, Section 7-132.2, is amended to
4 read as follows:

5 Section 7-132.2 ~~In counties using voting devices, after vote data pack~~ After the
6 results have been printed from the election results storage medium, the voting device
7 shall be unlocked and the seal removed from the ~~vote data pack~~ election results storage
8 medium compartment. The ~~vote data pack~~ election results storage medium shall be
9 removed and prepared for transfer to the county election board as prescribed by the
10 Secretary of the State Election Board.

11 SECTION 20. AMENDATORY 26 O.S. 2001, Section 14-107, is amended to
12 read as follows:

13 Section 14-107. ~~Said~~ Absentee ballots must be accompanied by:

- 14 1. A plain opaque envelope in which voted ballots must be placed by the voter;
- 15 2. An envelope bearing an affidavit stating that the voter is qualified to vote, that
16 ~~he~~ the voter has personally marked the ballots, and has not exhibited the marked ballots
17 to any other person; ~~and~~
- 18 3. A return envelope addressed to the secretary of the county election board; and
- 19 4. A notice that it is illegal for a Notary Public in this state to charge a fee to
20 notarize an official absentee ballot affidavit.

1 SECTION 21. AMENDATORY 49 O.S. 2001, Section 5, as last amended by
2 Section 2, Chapter 101, O.S.L. 2004 (49 O.S. Supp. 2009, Section 5), is amended to read
3 as follows:

4 Section 5. Every notary shall obtain a notarial seal containing the words “State of
5 Oklahoma” and “Notary Public” and the notary’s name. This seal may be either a metal
6 seal which leaves an embossed impression or a rubber stamp used in conjunction with a
7 stamp pad and ink. Each notary shall authenticate all official acts, attestations, and
8 instruments with this seal; and shall add to the notary’s official signature, the
9 commission number of the notary and the date of expiration of the commission of the
10 notary. Failure to add the commission number or the date of expiration of the
11 commission shall not affect the recordability of the instrument or the notice given by
12 such recording. This date and commission number may be a part of the stamp or seal. If
13 any notary public shall neglect or refuse to attach to the notary’s official signature the
14 date of expiration of the notary’s commission, the notary shall be deemed guilty of a
15 misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty
16 Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act
17 is Five Dollars (\$5.00), except no fee shall be charged for the notarization of an official
18 absentee ballot affidavit.

19 SECTION 22. REPEALER 26 O.S. 2001, Sections 7-125, 7-132.1 and 7-133.1,
20 are hereby repealed.

21 SECTION 23. This act shall become effective January 1, 2011.

22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-25-10 - DO PASS, As
23 Amended.